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8 Attorney for Defendant
9 ASHLEY LEYBA

10
11 IN THE UNITED STATES DISTRICT COURT FOR THE
12 EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA, }
Plaintiff, } No. 2:22-CR-0098 WBS
v. } 2:17-CR-0051 WBS
ASHLEY LEYBA, } STIPULATION AND ORDER
Defendant. } CONTINUING THE STATUS
} CONFERENCE TO OCTOBER 24, 2022,
} AT 9:00 A.M.
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STIPULATION

IT IS HEREBY STIPULATED AND AGREED between the defendant, Ashley Leyba, by and through her undersigned defense counsel, and the United States of America, by and through its counsel, Elliot Wong, Assistant U.S. Attorney, that the status conference presently set for August 8, 2022, should be continued to October 24, 2022, and that time under the Speedy Trial Act should be excluded from between those

1 dates under Local Code T4. Additionally, the parties request that the admit or deny
2 hearing for the supervised release violation petition be continued to the same date.

3 The parties agree and stipulate, and request the Court find that the government
4 has produced the first batch of discovery in this case so far consists of certain
5 investigative reports, criminal history information, and other materials.

6 The continuance is necessary to allow the defendant to review discovery,
7 conduct investigation, prepare for trial, and ensure continuity of counsel. Accordingly,
8 the time between August 8, 2022, and October 24, 2022, inclusive, should be excluded
9 from the Speedy Trial calculation pursuant to Title 18, United States Code, Section
10 3161(h)(7)(B)(iv) and Local Code T-4 for defense preparation. Counsel for defendant
11 believes that failure to grant the above-requested continuance would deny him the
12 reasonable time necessary for effective preparation, taking into account the exercise of
13 due diligence. The parties stipulate that the ends of justice served by granting this
14 continuance outweigh the best interests of the public and the defendant in a speedy trial.
15 18 U.S.C. §3161(h)(7)(A).

16 Nothing in this stipulation and order shall preclude a finding that other
17 provisions of the Speedy Trial Act dictate that additional time periods are excludable
18 from the period within which a trial must commence.

19
20 IT IS SO STIPULATED

21 Dated: August 3, 2022

PHILLIP TALBERT
US ATTORNEY

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23 /s/ Elliot Wong _____
24 ELLIOT WONG
25 Assistant U.S. Attorney
26 Attorney for Plaintiff
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1 Dated: August 3, 2022
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/s/ David D. Fischer
DAVID D. FISCHER
Attorney for Defendant
ASHLEY LEYBA

FINDINGS AND ORDER

The Court has read and considered the Stipulation and continues the Status Conference to October 24, 2022 at 9:00 a.m. in case 2:22cr0098-WBS, and Excludes Time Under the Speedy Trial Act as requested by the parties in this matter. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates facts that provide good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161. The Admit/Deny Hearing in case 2:17cr0051-WBS is further continued to October 24, 2022 at 9:00 a.m.

The Court further finds that: (i) the ends of justice served by the continuance outweigh the best interest of the public and defendant in a speedy trial; and (ii) failure to grant the continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Nothing in this Order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excluded from the period within which trial must commence.

IT IS SO FOUND AND ORDERED.

Dated: August 3, 2022

William H. Abbott

**WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE**